

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

RALPH “TREY” JOHNSON,
STEPHANIE KERKELES,
CLAUDIA RUIZ,
JACOB WILLEBEEK-LEMAIR,
ALEXA COOKE,
RHESA FOSTER,
ZACHARY HARRIS,
MATTHEW SCHMIDT,
TAMARA SCHOEN STATMAN,
GINA SNYDER, and
LIAM WALSH,
individually and on behalf of all persons
similarly situated,

Plaintiffs,

v.

NATIONAL COLLEGIATE ATHLETIC
ASSOCIATION, a/k/a the NCAA, and the
following NCAA Division I Member Schools
as representatives of a Defendant Class of all
private and semi-public NCAA Division I
Member Schools:

CORNELL UNIVERSITY,
FORDHAM UNIVERSITY,
LAFAYETTE COLLEGE,
SACRED HEART UNIVERSITY,
VILLANOVA UNIVERSITY,
UNIVERSITY OF OREGON,
TULANE UNIVERSITY,
UNIVERSITY OF NOTRE DAME,
UNIVERSITY OF ARIZONA,
PURDUE UNIVERSITY,
DUKE UNIVERSITY, and
MARIST COLLEGE,

Defendants.

Case No. 2:19-cv-5230 (JP)

**JOINT STIPULATION
AND
ORDER**

WHEREAS, Plaintiffs Ralph “Trey” Johnson, Stephanie Kerkeles, Claudia Ruiz, Jacob Willebeek-Lemair, Alexa Cooke, Rhesa Foster, Zachary Harris, Matthew Schmidt, Tamara Schoen Statman, Gina Snyder, and Liam Walsh (collectively, “Plaintiffs”) filed their Third Amended Complaint on November 4, 2024 (Dkt. No. 134);

WHEREAS, the current deadline for Defendants National Collegiate Athletic Association (“NCAA”), Cornell University, Fordham University, Lafayette College, Sacred Heart University, Villanova University, University of Oregon, Tulane University, University of Notre Dame, University of Arizona, Purdue University, Duke University, and Marist College (collectively, “Defendants”) to file their responses to Plaintiffs’ Third Amended Complaint is February 7, 2025 (*see* Dkt. No. 132);

WHEREAS, counsel for Defendants have advised counsel for Plaintiffs that Defendants intend to file respective Motions to Dismiss in response to Plaintiffs’ Third Amended Complaint;¹

WHEREAS, under the Local Rules of this Court, the current schedule would require Plaintiffs to file their oppositions to Defendants’ Motions to Dismiss by February 21, 2025 (*see* L.R. 7.1(c));

WHEREAS, Plaintiffs and Defendants agree that affording Defendants additional time to file their Motions to Dismiss, and that affording Plaintiffs additional time to file their oppositions to Defendants’ Motions, is desirable for all Parties;

WHEREAS, Defendants anticipate that it will be desirable, and for the Court’s benefit, to file reply briefs to Plaintiffs’ oppositions, and Plaintiffs have no objections thereto;

¹ In joining this stipulation, Defendants expressly preserve all rights, claims, and available defenses. The Parties’ joint stipulation does not constitute any Defendant’s waiver of any right, claim, or available defense, including any and all defenses available under Rule 12 of the Federal Rules of Civil Procedure.

WHEREAS, Plaintiffs anticipate that it may be desirable, and for the Court's benefit, to file sur-reply briefs to Defendants' reply briefs, and Defendants have no objections thereto;

THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned attorneys for the Parties, that Defendants' time to respond to Plaintiffs' Third Amended Complaint is hereby extended up to and including March 24, 2025, and Plaintiffs' time to oppose Defendants' responses is hereby extended up to and including May 23, 2025. Defendants shall file their reply briefs, if any, on or before July 7, 2025, and Plaintiffs shall file their sur-reply briefs, if any, on or before August 6, 2025.

DATED: January 31, 2025

Respectfully submitted,

/s/ Michael J. Willemin

Michael J. Willemin (admitted *pro hac vice*)
William R. Baker (admitted *pro hac vice*)
WIGDOR LLP
85 Fifth Avenue
New York, NY 10003
Telephone: (212) 257-6800
Facsimile: (212) 257-6845
mwillemin@wigdorlaw.com
wbaker@wigdorlaw.com

Paul L. McDonald (Pa. Bar No. 84856)
P L MCDONALD LAW LLC
1800 JFK Boulevard, Suite 300
Philadelphia, PA 19103
Telephone: (267) 238-3835
Facsimile: (267) 238-3801
paul@plmcdonaldlaw.com

*Counsel for Plaintiffs and
Proposed Counsel for the Members of
the Proposed FLSA Collective,
the Proposed Pennsylvania Class,
the Proposed New York Class,
the Proposed Connecticut Class,
the Proposed North Carolina Class,
the Proposed Oregon Class,
the Proposed Louisiana Class,
the Proposed Arizona Class, and
the Proposed Indiana Class*

/s/ Todd A. Noteboom

Todd A. Noteboom (Pa. Bar No. 308557)
Tracey Holmes Donesky (admitted *pro hac vice*)
David P. Thoreson (admitted *pro hac vice*)
STINSON LLP
50 South Sixth Street, Suite 2600
Minneapolis, MN 55402
Telephone: (612) 335-1500
Facsimile: (612) 335-1657
todd.noteboom@stinson.com
tracey.donesky@stinson.com
david.thoreson@stinson.com

Naima S. Starks (admitted *pro hac vice*)
STINSON LLP
1775 Pennsylvania Avenue, NW
Suite 800
Washington, DC 20006
Telephone: (202) 785-9100
naima.starks@stinson.com

Steven B. Katz (admitted *pro hac vice*)
CONSTANGY, BROOKS, SMITH &
PROPHETY, LLP
2029 Century Park East, Suite 1100
Los Angeles, CA 90067
Telephone: (310) 909-7775
Facsimile: (424) 465-6630
skatz@constangy.com

*Counsel for Defendant National Collegiate
Athletic Association*

/s/ Alison H. Silveira

Alison H. Silveira (admitted *pro hac vice*)
SEYFARTH SHAW LLP
Two Seaport Lane, Suite 1200
Boston, MA 02210
Telephone: (617) 946-4800
Facsimile: (617) 946-4801
asilveira@seyfarth.com

Lilah Wylde (admitted *pro hac vice*)
SEYFARTH SHAW LLP
560 Mission Street, Suite 3100
San Francisco, CA 94105
Telephone: (415) 397-2823
Facsimile: (415) 397-8549
lwylde@seyfarth.com

Jacob Oslick (Pa. Bar No. 311028)
SEYFARTH SHAW LLP
620 Eighth Avenue, 32nd Floor
New York, NY 10018
Telephone: (212) 218-5500
Facsimile: (212) 218-5526
joslick@seyfarth.com

Counsel for Defendant Marist College

/s/ Kevin J. Mangan

Kevin J. Mangan (Pa. Bar No. 56507)
WOMBLE BOND DICKINSON LLP
1313 North Market Street, Suite 1200
Wilmington, DE 19801
Telephone: (302) 252-4320
kevin.mangagn@wbd-us.com

James P. Cooney III (admitted *pro hac vice*)
WOMBLE BOND DICKINSON LLP
301 South College Street, Suite 3500
Charlotte, NC 28202
Telephone: (704) 331-4980
jim.cooney@wbd-us.com

Counsel for Defendant Duke University

/s/ Trenten D. Klingerman

Trenten D. Klingerman (application for admission *pro hac vice* forthcoming)
William P. Kealey (application for admission *pro hac vice* forthcoming)
STUART & BRANIGIN LLP
300 Main Street, Suite 900
Lafayette, IN 47902-1010
Telephone: (765) 423-1561
tdk@stuartlaw.com
wpk@stuartlaw.com

Counsel for Defendants Purdue University and University of Oregon

/s/ Marla N. Presley

Marla N. Presley (Pa. Bar No. 91020)
Katelyn M. O'Connor (Pa. Bar No. 308922)
JACKSON LEWIS P.C.
1001 Liberty Avenue, Suite 1000
Pittsburgh, PA 15222
Telephone: (412) 338-5148
Facsimile: (412) 232-3441
marla.presley@jacksonlewis.com
katie.o'connor@jacksonlewis.com

Counsel for Defendant University of Arizona

/s/ Steven W Schlesinger

Steven W Schlesinger (Pa. Bar No. 332869)
Mark A. Konkel (admitted *pro hac vice*)
Sandra L. Musumeci (admitted *pro hac vice*)
KELLEY DRYE & WARREN LLP
3 World Trade Center
175 Greenwich Street
New York, NY 10007
Telephone: (212) 808-7800
Facsimile: (212) 808-7897
sschlesinger@kelleydrye.com
mkonkel@kelleydrye.com
smusumeci@kelleydrye.com

Counsel for Defendant Fordham University

/s/ Julie A. Busta

Julie A. Busta (Pa. Bar No. 311933)
AKIN GUMP STRAUSS HAUER &
FELD LLP
1735 Market Street, 12th Floor
Philadelphia, PA 19103
Telephone: (215) 965-1260
Facsimile: (215) 965-1210
jbusta@akingump.com

Anthony T. Pierce (admitted *pro hac vice*)
Katherine I. Heise (admitted *pro hac vice*)
AKIN GUMP STRAUSS HAUER &
FELD LLP
2001 K Street, N.W.
Washington, DC 20006
Telephone: (202) 887-4000
Facsimile: (202) 887-4288
apierce@akingump.com
kheise@akingump.com

Jessica Taub Rosenberg (application for
admission *pro hac vice* filed)
AKIN GUMP STRAUSS HAUER &
FELD LLP
1 Bryant Park, Bank of America Tower
New York, NY 10036
Telephone: (212) 872-1000
Facsimile: (212) 872-1002
jrosenberg@akingump.com

Counsel for Defendant Cornell University

/s/ Rebecca Sha

Rebecca Sha (admitted *pro hac vice*)
Stephanie M. Poucher (admitted *pro hac*
vice)
PHELPS DUNBAR LLP
Canal Place
365 Canal Street, Suite 2000
New Orleans, LA 70130
Telephone: (504) 566-1311
Facsimile: (504) 568-9130
rebecca.sha@phelps.com
stephanie.poucher@phelps.com

John L. Lamb, Esq. (Pa. Bar No. 324291)
Joseph J. Centeno, Esq. (Pa. Bar No. 70902)
BUCHANAN INGERSOLL & ROONEY
PC
Two Liberty Place
50 South 16th Street, Suite 3200
Philadelphia, PA 19102-2555
Telephone: (215) 665-8700
john.lamb@bipc.com
joseph.centeno@bipc.com

*Counsel for Defendant Administrators of
the Tulane Educational Fund (Tulane
University)*

/s/ Sean P. Fahey

Sean P. Fahey (Pa. Bar No. 73305)
Christopher J. Moran (Pa. Bar No. 68142)
Brian R. Ellixson (Pa. Bar No. 319083)
TROUTMAN PEPPER LOCKE LLP
3000 Two Logan Square, 18th & Arch
Streets
Philadelphia, PA 19103
Telephone: (215) 981-4000
sean.fahey@troutman.com
christopher.moran@troutman.com
brian.ellixson@troutman.com

*Counsel for Defendants Lafayette College,
Sacred Heart University, and
Villanova University*

/s/ Mark J. Neuberger

Mark J. Neuberger (Pa. Bar No. 49714)
FOLEY & LARDNER LLP
2 South Biscayne Blvd., Suite 1900
Miami, FL 33131
Telephone: (305) 482-8408
Facsimile: (305) 482-8600
mneuberger@foley.com

Jonathan L. Israel (admitted *pro hac vice*)
FOLEY & LARDNER LLP
90 Park Avenue
New York, NY 10013
Telephone: (212) 338-3610
Facsimile: (212) 687-2329
jisrael@foley.com

Counsel for Defendant
University of Notre Dame du Lac

ORDER

Pursuant to the above stipulation, **IT IS SO ORDERED.**

Dated: February 3, 2025

/s/ John R. Padova

The Honorable John R. Padova
United States District Judge